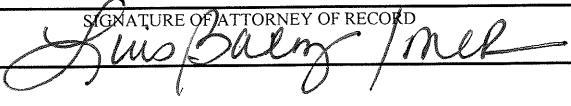JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
Michael Swain, individually and on behalf of other similarly situated employees;

DEFENDANTS
MPW Industrial Water Services, Inc.

(b) County of Residence of First Listed Plaintiff   Harris
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Herbert & McClelland, LLP
3411 Richmond Avenue, Suite 400, Houston, TX 77046
Telephone: 713.987.7100   Facsimile: 713.987.7120

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1   U.S. Government Plaintiff

☒ 3   Federal Question
(U.S. Government Not a Party)

☐ 2   U.S. Government Defendant

☐ 4   Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff*
(For Diversity Cases Only)   *and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*
Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY** **PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane ☐ 365 Personal Injury -	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Product Liability			☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	Liability ☐ 367 Health Care/		**PROPERTY RIGHTS**	☐ 410 Antitrust
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel & Pharmaceutical		☐ 820 Copyrights	☐ 430 Banks and Banking
& Enforcement of Judgment	Slander Personal Injury		☐ 830 Patent	☐ 450 Commerce
☐ 151 Medicare Act	☐ 330 Federal Employers' Product Liability		☐ 840 Trademark	☐ 460 Deportation
☐ 152 Recovery of Defaulted	Liability ☐ 368 Asbestos Personal			☐ 470 Racketeer Influenced and
Student Loans	☐ 340 Marine Injury Product			Corrupt Organizations
(Excludes Veterans)	☐ 345 Marine Product Liability	**LABOR**	**SOCIAL SECURITY**	☐ 480 Consumer Credit
☐ 153 Recovery of Overpayment	Liability **PERSONAL PROPERTY**	☒ 710 Fair Labor Standards	☐ 861 HIA (1395ff)	☐ 490 Cable/Sat TV
of Veteran's Benefits	☐ 350 Motor Vehicle ☐ 370 Other Fraud	Act	☐ 862 Black Lung (923)	☐ 850 Securities/Commodities/
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle ☐ 371 Truth in Lending	☐ 720 Labor/Management	☐ 863 DIWC/DIWW (405(g))	Exchange
☐ 190 Other Contract	Product Liability ☐ 380 Other Personal	Relations	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
☐ 195 Contract Product Liability	☐ 360 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 196 Franchise	Injury ☐ 385 Property Damage	☐ 751 Family and Medical		☐ 893 Environmental Matters
	☐ 362 Personal Injury - Product Liability	Leave Act		☐ 895 Freedom of Information
	Medical Malpractice	☐ 790 Other Labor Litigation		Act
REAL PROPERTY	**CIVIL RIGHTS** **PRISONER PETITIONS**	☐ 791 Employee Retirement	**FEDERAL TAX SUITS**	☐ 896 Arbitration
☐ 210 Land Condemnation	☐ 440 Other Civil Rights **Habeas Corpus:**	Income Security Act	☐ 870 Taxes (U.S. Plaintiff	☐ 899 Administrative Procedure
☐ 220 Foreclosure	☐ 441 Voting ☐ 463 Alien Detainee		or Defendant)	Act/Review or Appeal of
☐ 230 Rent Lease & Ejectment	☐ 442 Employment ☐ 510 Motions to Vacate		☐ 871 IRS—Third Party	Agency Decision
☐ 240 Torts to Land	☐ 443 Housing/ Sentence		26 USC 7609	☐ 950 Constitutionality of
☐ 245 Tort Product Liability	Accommodations ☐ 530 General			State Statutes
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities - ☐ 535 Death Penalty	**IMMIGRATION**		
	Employment **Other:**	☐ 462 Naturalization Application		
	☐ 446 Amer. w/Disabilities - ☐ 540 Mandamus & Other	☐ 465 Other Immigration		
	Other ☐ 550 Civil Rights	Actions		
	☐ 448 Education ☐ 555 Prison Condition			
	☐ 560 Civil Detainee -			
	Conditions of			
	Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District *(specify)*
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
Violation of Fair Labor Standards Act 29 U.S.C. § 201, et seq.

Brief description of cause:
Recover unpaid overtime compensation

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes   ☐ No

VIII. RELATED CASE(S) IF ANY
(See instructions):   JUDGE _____   DOCKET NUMBER _____

DATE
03/07/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____